



MINUTES

Oakley City Council

Regular Meeting 6:00 PM

February 24, 2021

Due to Public Health Concerns Public Attendance is requested via

Zoom Electronic Meeting Platform

Anchor Location: 960 West Center Street, Oakley UT

In Attendance:

City Administration: Mayor Wade Woolstenhulme, Councilmembers: Joe Frazier, Kelly Kimber, Dave Neff, Tom Smart, Steve Wilmoth

City Staff: City Recorder, Amy Rydalch; City Planner, Stephanie Woolstenhulme

Others/Public in Attendance: Present via Zoom: JoAnn Aplanalp, Dewain Campbell, Jeni Campbell, Carli Coyle, Justin Harding, Matt Harper

1. **Mayor Woolstenhulme** Opened the meeting. The invocation was offered by **Councilmember Neff**. **Councilmember Kimber** led the Pledge of Allegiance.

2. **Administration of Oath of Office to New City Councilmember Kelly Kimber.**

3. **Public Comment for Items not listed on the agenda:**

Carly Coyle with the South Summit Trails Foundation wanted to encourage members of the public to sign the petition that will be presented to the Summit County Council. The petition is for completing the trail/bike path from Oakley to Kamas City. She asked if the City would be willing to promote this effort. **Mayor Woolstenhulme** stated the City would share the information regarding the petition on its social media pages.

4. **Public Hearing for Ordinance 2021-02 Flood Ordinance (FEMA)**

City Planner Woolstenhulme addressed the Council and summarized the current revision of the FEMA flood plain maps. She stated that every 8-10 years FEMA updates their maps and Summit County has undergone review and revision of FEMA floodplain maps. By participating and adopting a flood plain ordinance this homeowner in the flood plain in Oakley City to participate

41 in flood insurance programs and the city maintains its eligibility for emergency relief from FEMA.
42 The ordinance has been reviewed by the State and Federal FEMA offices and has received their
43 approval.

44
45 **Mayor Woolstenhulme** asked the council for any questions or discussion. None received.

46
47 **Councilmember Wilmoth** made a motion to adopt Ordinance 2021-02 – Flood Ordinance FEMA.

48 **Councilmember Neff** seconded the motion. Roll Call Vote:

49

50 **Councilmember Kimber** Aye

51 **Councilmember Frazier** Aye

52 **Councilmember Smart** Aye

53 **Councilmember Neff** Aye

54 **Councilmember Wilmoth** Aye

55

56 **Ordinance 2021-02 Adopted**

57

58 **5. Public Hearing for Twilight Moon Preliminary Plat**

59 **Mayor Woolstenhulme** stated that Councilmember Smart has asked to be recused from this
60 application as he is related to one of the applicants. **City Planner Woolstenhulme** displayed the
61 GIS location of the properties. She explained that the original applicant, Mr. Campbell submitted
62 the initial application for a two-lot subdivision in 2019. During the application process it was
63 discovered that he did not have approval for access along the private right of way (owned by
64 Millburns) for the additional lot. Since that time Mr. Campbell has reached an agreement with
65 the owner of the right of way for access to the subdivision. As part of this new right of way -
66 access agreement, Campbell has agreed to include a second applicant, Jed Milburn, in the
67 subdivision. The Campbell's parcel is 16 acres and is zoned A-5. Under current zoning Campbell
68 is entitled to 3 lots even though his original application was to exercise two. By including
69 Milburn in the subdivision application, the third unit of density will now be used by
70 incorporating a portion of Milburn's property into the subdivision application. This third lot will
71 be owned by Milburn and in exchange Campbell will have access to his property via the right of
72 way. There is an existing home on lot 2 and that has been previously approved for an accessory
73 dwelling by the Planning Commission that is planned for lot 3. All density for Campbell under
74 current zoning will be exhausted with the transfer of the third development right to Milburn and
75 the creation of the 3-lot subdivision.

76

77 **City Planner Woolstenhulme** also stated that two primary factors have influenced the Planning
78 Commission's decision to require connection to City water for the subdivision the first being the
79 absence fire suppression at the existing Campbell home and the lack of flow for fire protection
80 from the existing well. The second consideration is the existing subdivision development to the
81 East (Crisland Farms) and a proposed subdivision to the West both of which will be required to
82 connect to City Water for fire suppression. The Twilight Moon parties have come to an

83 agreement with Tiny Woolstenhulme, of Crisland Farms Subdivision to the East, to bring City
84 water from Boulderville Road through Crisland Farms and then West to Campbell's
85 development. The City Engineer's plan is for this line to eventually loop to New Lane. **City**
86 **Planner Woolstenhulme** displayed the water design for Council to review. She indicated where
87 the line comes through Crisland Farms, through the Twilight Moon (Campbell) development and
88 to the West property line shared with Justin Harding. **Various Councilmembers** asked for
89 clarification on location of lines and fire hydrants, placement of homes, right of way road
90 standards, permits in place etc. **City Planner Woolstenhulme** provided clarification on the
91 private lane and the access agreement with Campbells and Millburns. Because it is considered a
92 private lane it does not have to be brought up to city standards under current development
93 regulations. **City Planner Woolstenhulme** stated that the Planning Commission has involved the
94 City Engineer extensively in the review of the water line plan as it will be adopted by the City
95 under a separate agreement and must meet city standards and specifications before said
96 adoption and use. She then reviewed the conditions currently being required by Planning
97 Commission for the Twilight Moon subdivision: 1) A note on the final recorded plat that
98 indicates all development rights under current zoning regulations have been exhausted; 2)
99 waterline is built to city standards and specifications and the water line extension agreement is
100 approved by City Planning Commission and City Council; 3)the proposed pond on lot 1 will not
101 be filled with City culinary water; 4) the subdivision is subject to the executed maintenance and
102 use agreement; 5)All engineering notes and existing plat notes will be included and follow the
103 new plat. **Mayor Woolstenhulme** asked if there were any conditions requiring surrender of city
104 irrigation water to the city. **City Planner Woolstenhulme** indicated that there are no current
105 requirements for this surrender. General Discussion among Councilmembers regarding
106 irrigation water shares and whether there is a policy in place to require the surrender of water
107 from applicants. **Mayor Woolstenhulme** asked that this be something that Planning
108 Commission consider in the new development code. It was determined it would be appropriate
109 to discuss this point during the City Council meeting in April with Planning Commission.

110
111 **Mayor Woolstenhulme opened the Public Hearing for the Twilight Moon Preliminary Plat**
112 **Subdivision.**

113
114 **Dewain Campbell (Applicant)** noted an exception with the water plan. He is concerned that he
115 is being asked to bear a significant portion of the cost to bring in the water line to his
116 development. **Mr. Campbell** stated that the Milburns are paying for their share of bringing the
117 water to their property and Tiny Woolstenhulme is doing most of the work to account for his
118 share of the cost. However, Mr. Harding who owns property directly to the West is not willing
119 to share in the costs of bringing City water to the shared property line. **Mr. Campbell** feels that
120 he should only be responsible to bring water to the locations for his homes and fire hydrants
121 and not have to bring water to Mr. Harding's property line. He feels it is inequitable that the
122 City Engineer is requiring him to bring water to essentially Harding's back door.

123

124 **Council asked for clarification on Mr. Harding and the location of his property. City Recorder**
125 **Rydalch and City Planner Woolstenhulme** stated that Mr. Harding is the owner of the old
126 Rakisits property that is West of Campbell and is adjacent to the Leifson property. The city
127 received a subdivision application this afternoon from Mr. Harding.

128
129 **City Planner Woolstenhulme** indicated on the water plan the area of concern for Mr. Campbell
130 where the water line extends from his planned home-sites across the private right of way and to
131 the property line with Mr. Harding.

132
133 **Mr. Campbell** reiterated his frustration with Mr. Harding not participating in the cost sharing of
134 the water line. He originally considered the option of bringing the line under the canal and he
135 believes it would have been a significant cost-saving measure to have pursued this option.
136 However, there was benefit to other adjoining property owners to bring the water line in via the
137 current plan, specifically, Tiny Woolstenhulme, the Milburns, and Justin Harding. These parties
138 are all participating in the cost-sharing of the new water line except for Mr. Harding even
139 though the line is being brought to his property line.

140
141 **City Recorder Rydalch** clarified for Council that the City Engineer reviews these developments
142 for a water delivery plan that meets city standards and specifications and ensures optimization
143 of the city's water system. The cost-sharing agreement between the development parties for
144 the water line installation is considered a private, civil matter and one that does not concern the
145 City.

146
147 Further discussion amongst councilmembers around the cost-sharing agreement, Harding's
148 imminent development to the west of Campbell and where the waterline should be stubbed.

149
150 **City Planner Woolstenhulme** stated that the City Engineer believes it is better to bring the
151 waterline to the Harding property line now and cross the private right of way under Campbell
152 and Millburns development project/control rather than Mr. Harding having to work through an
153 additional negotiation regarding the crossing of the private right of way at a later date for his
154 development. **City Planner Woolstenhulme** stated that the concern regarding the location of
155 the capping of the waterline has arisen since Planning Commission granted preliminary plat
156 approval recommendation. The Planning Commission approved the waterline capping at the
157 Harding property line.

158
159 **Justin Harding** desired to clarify his position and stated that Mr. Campbell, Millburn, and
160 Woolstenhulme are sharing in the cost of the water-line installation (1,600 feet) because it
161 directly benefits their developments. He stated that his property is on the far west-side and
162 that he will bear the sole cost of installing the waterline from the proposed stubbing site
163 throughout his development and then to New Lane Road approximately 2,000 feet. In addition,
164 Mr. Harding will have to cross the canal and anticipates the related costs will be more than the
165 costs Campbells and related parties are sharing in for the waterline for Twilight Moon. Mr.

166 Harding also stated that the water-line plan presented tonight with the stub to the Harding
167 property line has been approved by the City Engineer. He hopes the City Council will follow the
168 Engineer and Planning Commission's recommendations. His application for his subdivision was
169 submitted to the City today.

170
171 **Further discussion amongst Mr. Harding and Mr. Campbell regarding cost-sharing and**
172 **restating their positions.**

173
174 **Mayor Woolstenhulme** reiterated that the cost-sharing agreement for the waterline was not a
175 Council concern and closed the Public Hearing.

176
177 **Councilmember Frazier** made a motion to approve the Preliminary Plat for the Twilight Moon
178 subdivision with the conditions required as stated by the Planning Commission in their recommendation
179 for approval. **Councilmember Wilmoth** seconded the motion. 4 votes in favor. 1 abstention
180 (Councilmember Smart). **Motion passes.**

181
182
183 **6. Review of JUB Secondary Water Report**

184 **Mayor Woolstenhulme** stated that this is the final copy of the report that was presented in October
185 2020 to the Council. He expressed his disappointment in this study because of the length of time it
186 took to complete, the increased cost of the study, and that the City has worked through a short-
187 term solution for watering the parks without the assistance of JUB engineering.

188
189 **Councilmember Smart** made a motion to approve the final report of the JUB Secondary Water Report.
190 **Councilmember Wilmoth** seconded the motion. All voted in favor. **Motion passes unanimously.**

191
192 **7. Oakley Fraud Assessment**

193 **Mayor Woolstenhulme** informed the Council that this is a new requirement for reporting to the
194 State Auditor's office in Fiscal 2020. In communications with the City's independent auditor, it was
195 discussed that it is often difficult for smaller cities and towns that have limited staffing to score well
196 on this assessment. He continued that there are items on this assessment that staff is already
197 currently following that Council needs follow-up with and draft formal policy. Areas that are absent
198 formal policy are the city's credit card policy, travel policy, personal use of city facilities, and the
199 implementation of a council audit committee.

200
201 **Councilmember Wilmoth** stated that separation of duties is difficult with a small staff but that there
202 are often checks and balances that can be put in place that should satisfy fraud assessment
203 requirements.

204
205 **Recorder Rydalch** stated that areas where this is possible have been identified on the fraud
206 assessment form that indicates a mitigating control is in place. She stated that the city has

207 incorporated several mitigating controls but there are areas that could be fleshed out that would
208 offer the city and employees more protection.

209

210 **It was discussed that the Mayor, Councilmembers Frazier and Kimber would work on identifying**
211 **and drafting additional policies and controls.**

212

213

214 **8. South Bench Ditch Company Update**

215 **Mayor Woolstenhulme** informed the Council that nearly all terms have been agreed to except for
216 how to deliver City water to the lateral. Dallas will work with the State on the point of diversion and
217 with the Ditch Co. to determine how best to get the water to the City. Once this is worked through
218 and the Ditch Co. agrees to the latest revision of the agreement the City is ready to sign the
219 agreement.

220

221 General Discussion regarding the purchase of the additional Weber River Water shares and the
222 annual fee of approximately \$50,000 and the possibility of leasing residual water to other users.
223 Aqua engineering is looking into what water is available to lease.

224

225 **Recorder Rydalch** informed council that the negotiations with South Bench Ditch Co. are currently
226 focused on the "order of water" for delivery. There is some disagreement over the order and
227 guaranty of water but expects to reach an agreement soon. The agreement and terms are being
228 reviewed by both Aqua Engineering and City legal counsel to ensure the City's interests are
229 protected.

230

231 General discussion of the order of water as proposed.

232

233 **Councilmember Frazier** stated that once the agreement is executed the City will need to move
234 forward with an open bidding process for the installation and construction work for the City Lateral
235 as soon as possible.

236

237 **Councilmember Wilmoth** asked what the timeline is for the project. He is concerned that we may
238 not have the project online for this watering season.

239

240 **Recorder Rydalch** stated that there is some concern regarding the time it takes to get the point of
241 diversion changed. But that using the Ditch Co.'s water first should give the City enough time to
242 change the point of diversion before the City water is needed later in the watering season.

243

244 **9. Regular Business**

245 **a. Review of Council Assignments for 2021**

246 **Mayor Woolstenhulme** asked Council to review the assignments and to reach out to
247 him if Councilmembers would like to change areas of stewardship. He expressed

248 appreciation for the different strengths and interests of the Council and considers this as
249 inherent to the success of the City.

250
251 **Councilmember Frazier** reminded Council that the Restaurant Tax Grant applications
252 were opening this next week and to remind the Rodeo Committee to file their
253 application. Recorder Rydalch stated that the application had been forward to her to
254 complete and file on behalf of the rodeo committee this year.

255
256 **Councilmember Wilmoth** is in favor of City staff preparing the grant and recommends
257 having Sam Aplanalp present to the Grant committee.

258
259 General discussion regarding amounts in previous years, when funds were received, and
260 how much the City is applying for this year.

261
262 Discussion regarding the Softball tournament and whether to continue with this item
263 during the celebration. The Mayor volunteered to oversee the tournament this year.

264
265 Discussion to add Councilmember Neff to the Rodeo Committee and begin to transition
266 from Councilmember Smart as Council representation.

267
268 Discussion regarding a favorable sentiment to add cheeseburgers to concessions menu.

269
270 Discussion of succession of Car Show leadership. **Councilmember Wilmoth** will converse
271 with Lori Hoggan.

272
273 **b. Aqua Engineering – Report on Meeting 2/23/2021**

274 **Mayor Woolstenhulme** briefly updated Council on the items discussed in the meeting
275 with Aqua engineering. The Humbug Well Chlorination project is a top priority as there
276 is a State deadline that expires in 2021. The Cottonwood Springs Chlorination project
277 will follow in 2022. There is a leak in the Cottonwood Tank that needs to be repaired
278 this Spring. Discussion regarding the South Bench Ditch and secondary water for the
279 Recreation Complex. And further discussion to optimize the production and delivery of
280 the city's water system, developing a general plan including a capital facilities plan,
281 impact fee analysis, and mapping of the current water and waste-water systems.

282
283 **c. Recorders Items:**

284 **i. New City Website**

285 **Recorder Rydalch** displayed the mock-up of the home page for the city's new
286 website. Asked for input on the color scheme. City expects to go live possibly
287 next week.

288 **ii. New water bill format expected in March or April.**

289 Staff will notice via social media pages etc.


290 iii. **Open Meetings Act Training.**
291 **Mayor Woolstenhulme** asked all councilmember to have the online training
292 completed and certification sent to Recorder Rydalch before the next Council
293 meeting.

294 d. **Approval of the Minutes 2-10-2021**
295 **Councilmember Wilmoth** made a motion to approve the minutes from 2-10-2021. **Councilmember**
296 **Smart** seconded the motion. All voted in favor. Minutes approved.

297
298 e. **Approval of the Payables 2-10-2021 thru 2-22-2021**
299 **Councilmember Smart** made a motion to approve the payables 2-10-2021 thru 2-22-2021.
300 **Councilmember Wilmoth** seconded the motion. All voted in favor. Payables approved.
301 **Councilmember Frazier** made a motion to adjourn.

302
303 Approval is to form this 14 day of April, 2021
304

305
306 
307 _____
308 **Wade Woolstenhulme, Mayor**

305
306 
307 _____
308 **Amy Rydalch, City Recorder**